

Bill No. XXXIX of 2019

THE VICTIMS OF FLOODS CAUSED BY HEAVY RAINS, CYCLONES
AND OTHER REASONS (REHABILITATION AND WELFARE)
BILL, 2019

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BILL

to provide for the protection and rehabilitation of victims of floods which may be caused by heavy rains, cloudbursts, cyclones, breached bunds of dams, reservoirs, etc. and other reasons by making various provisions through a statutory board at national level which may also suggest measures to be taken by Central and State Governments to control floods and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Victims of Floods caused by Heavy Rains, Cyclones and other reasons (Rehabilitation and Welfare) Act, 2019.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

5 (3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate" Government means in the case of a State, the Government of that State, and in other cases, the Central Government;

10 (b) "Board" means the National Board for Rehabilitation and Welfare of Flood Victims established under section 3;

(c) "prescribed" means prescribed by rules made under this Act;

Establishment
of Board.

3. (1) The Central Government shall, as soon as may be, but within a period of sixty days from the date of commencement of this Act, by notification in the Official Gazette, establish for the purposes of this Act a National Board for Rehabilitation and Welfare of Flood Victims.

(2) The Board shall be a body corporate, by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of properties, both movable and immovable, and to contract, and shall, by the said name, sue or be sued. 5

(3) The headquarters of the Board shall be at Aurangabad in the State of Maharashtra and its regional offices shall be located in the capital of each State and Union Territory.

(4) The Board shall consist of:— 10

(i) a Chairperson, a Deputy Chairperson and six other members to be appointed by the Central Government in such manner as may be prescribed;

(ii) not more than one representative each from the States and Union Territories to be nominated by the respective State Governments and Union Territories Administrations. 15

(5) The Central Government shall provide to the Board such number of officers and staff as may be necessary for the efficient functioning of the board.

(6) The salaries and allowances payable to and other terms and conditions of service of the Chairperson, Deputy Chairperson and other members, officers and staff of the Board shall be such as may be prescribed. 20

(7) The Board shall comply with such directions as may, from time to time, be given to it by the Central Government.

(8) The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings in the manner as may be prescribed. 25

Functions of
the Board

4. (1) The Board shall discharge such functions as may be necessary for the protection and rehabilitation of victims of floods caused by heavy rains, cloudbursts, cyclones, breached bunds of dams, reservoirs, etc.

(2) without prejudice to the generality of the provisions contained in sub-section (1), the Board may also provide for:— 30

(a) making a detailed study and analysis of floods caused in the past in the regions and areas of the country and identify areas in every State and Union Territory which are prone to floods;

(b) making provision for accelerated water drainage system in the residential areas prone to floods in particular which are near the rivers or the sea, as the case may be; 35

(c) suggesting policy with regard to construction of houses and commercial establishments near the rivers and beaches;

(d) making provision for providing permanent shelters capable of withstanding the severity and intensity of flood waters to the people of identified floodprone areas; 40

(e) steps to be taken for plantation of trees and shrubs as afforestation measure in and around floodprone areas and in particular near the rivers and hilly areas where landslides are caused by floods or heavy rain to mitigate the gravity of floods and cloudbursts;

(f) installing flood forecasting systems to alert the people of floodprone areas; 45

(g) making provision for providing food, drinking water and other necessities in flood-affected areas during floods in such manner as may be prescribed;

- (h) making provision for boats and other rescue materials for the rescue of people in flooded areas;
- (i) making recommendations to the Central Government for minimizing the loss of lives and properties in flood affected and flood prone areas;
- 5 (j) keeping perpetual surveillance, carrying out inspections and monitoring rescue operations during the floods;
5. It shall be the duty of the appropriate Government to implement the recommendations of the Board. Appropriate Government to implement recommendations of the Board.
6. Notwithstanding anything in this Act or any other law for the time being in force, 10 the Central Government shall pay compensation of,—
- (i) rupees ten lakh to the nearest kin of a person who has lost his life in flood;
- (ii) rupee five lakh in case of a serious injury to a person affected by flood;
7. (1) The Board shall prepare, in such form and at such time, as may be prescribed, its 15 annual report, giving a true and full account of its activities during the previous financial year and submit a copy thereof to the Central Government. Annual Report.
- (2) The Central Government shall cause the Annual Report to be laid before each House of Parliament.
8. **The Central Government shall, after due appropriation made by Parliament by law 20 in this behalf provide to the Board requisite funds every year for the effective implementation of this Act.** Central Government to provide requisite funds.
9. This Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act. Act to supplement other laws.
10. The Central Government may, by notification in the official Gazette, make rules for 25 carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

In several parts of our vast nation floods are a regular phenomenon caused by mother nature's fury every year. Even this year floods have wreaked havoc in various States like Bihar, Uttar Pradesh, Punjab, Himachal Pradesh, Uttarakhand, Madhya Pradesh, Chhatisgarh, Maharashtra, Assam, Odisha, etc. It has not spared even desert States like Gujarat and Rajasthan. Bihar, Assam and eastern Uttar Pradesh face the fury of floods every year caused by rivers emanating from Nepal and China. Apart from the fury of mother nature humans too have contributed immensely in the matter. Polluted environment, unplanned and uncontrolled development in the cities particularly those which are near the rivers and sea, ruthless destruction of jungles, rampant use of plastic, toxic gases, chemicals, etc. leads to disruption in the weather cycle in the country frequently culminating in the fury of floods. The floods devastate quite a large number of villages, cities and damage properties, crops, roads and kill people and livestock. The agricultural land also undergoes severe soil erosion. Due to these floods the country suffers huge losses in terms of human lives, livestock, properties, crops, etc. thereby increasing the financial burden of the Governments of the day. At the same time people become homeless and get displaced and face innumerable problems including safety of their lives.

Though the Central Government and State Governments and their agencies to their level best to provide relief to the victims of floods and their kins by making temporary arrangements of shelter, food etc for them, it is felt that there still is need to have a permanent statutory body to suggest measures to control floods. As such a National Board needs to be established to exclusively deal with natural calamity of floods in the country.

Hence this Bill.

RAJKUMAR DHOOT

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a National Board for Rehabilitation and Welfare of Flood Victims. Clause 8 makes it obligatory for the Central Government to provide requisite funds for effective implementation of the provisions of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible to quantify the amount at this stage but it is estimated that an amount of one thousand crores rupees may involve as recurring expenditure per annum. A non-recurring expenditure to the tune of five hundred crore rupee may also involve for creating assets.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of legislative power is therefore of normal character.

RAJYA SABHA

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(Shri Rajkumar Dhoot, M.P.)